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C O N F I D E N T I A L SECTION 01 OF 02 JERUSALEM 000700

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NEA FOR FRONT OFFICE. NSC FOR ABRAMS/SINGH/PASCUAL

E.O. 12958: DECL: 04/22/2018
TAGS: [KWBG](#) [PGOV](#) [PREL](#) [PTER](#) [PHUM](#) [KPAL](#) [IS](#)
SUBJECT: PA ATTORNEY GENERAL EFFORTS TO IMPROVE PROSECUTION
IN THE WEST BANK

REF: A. JERUSALEM 00497

[1](#)B. JERUSALEM 00587

Classified By: Acting Principal Officer, Thomas M. Duffy, per reasons 1
.4 (b) and (d)

[1](#)1. (C) Summary. Palestinian Authority Attorney General (AG) Ahmad al-Mughani told PolCouns April 21 that the number of PA prosecutors is increasing, but infrastructure and GOI interference continue to impede the work of his office. He said he is focused on anti-corruption cases, but cannot pursue Gaza cases since the Hamas takeover. Mughani suggested the USG could support the AG's office with equipment, training, and new forensics labs in the West Bank. On Jenin, Mughani said the PASF will require logistical support to succeed in their upcoming campaign, and that the IDF would need to give the PASF room to operate. End Summary.

AG NEEDS MORE PROSECUTORS, BETTER
INFRASTRUCTURE AND GOI COORDINATION

[1](#)2. (C) PA AG Ahmad al-Mughani told PolCouns and USAID April 21 that his office is working to strengthen prosecution in the West Bank. PM Fayyad has directed the recruitment of new, professional staff, Mughani said, based on interviews and objective criteria, rather than nepotism. The number of prosecutors has been increased from 37 to 61, and the goal is 92 Mughani said, while noting these new recruits will require training.

[1](#)3. (C) Mughani said inadequate infrastructure impedes his efforts to strengthen the judicial authority. Most of the AG's offices in the West Bank are small and run down, he said, and prisons are overcrowded and often inhumane, and prisoners are sometimes tortured. He noted that many donors have asked how they can help, but so far, there has been little assistance. He said his priorities include communications equipment, investigations training, and exchanges with foreign prosecutors. The PA also needs forensics capability in the West Bank, he said.

[1](#)4. (C) Mughani said inadequate coordination with the GOI undermines his ability to prosecute successfully. GOI obstacles to access and movement delay or prevent judges, suspects, prisoners and witnesses from attending trials. Coordination with the IDF delays the transfer of evidence to forensics laboratories in Jordan for examination, resulting in lengthy imprisonment of suspects who are subsequently not charged or delaying prosecutions. Mughani also said the GOI has refused to hand over to the PA roughly 15 Palestinian prisoners who fled to Israel after committing a crime in the West Bank.

PASF JENIN CAMPAIGN

15. (C) PolCouns briefed Mughani on plans for U.S. and international support in Jenin to complement the upcoming PASF campaign. Mughani said Jenin will be more difficult than the campaign in Nablus, and to succeed, the PASF will need logistical support and GOI coordination. He said IDF incursions in Nablus concurrent with PASF operations weakened the PASF politically there, and he fears the IDF will operate similarly in Jenin. The PASF need to be strong and have room to maneuver, he said, in order to make this campaign a success for the PA.

ANTI-CORRUPTION FOCUS

16. (C) Mughani said he opened an anti-corruption branch and is pursuing a number of corruption cases. He noted that his office has had no role in Gaza cases since Hamas' June 2007 take-over. He added that Hamas replaced all the AG staff in Gaza last summer and took control of all the AG's files. Mughani said an obstacle to pursuing corruption cases is the Jordanian penal code which applies in the West Bank and which has six months' imprisonment as the maximum penalty for corruption. He noted that in the Gaza Strip, British penal code is applied, and it allows for more significant penalties for corruption.

17. (C) Comment: Mughani was quiet about the recent high-profile accusations of corruption, including Ahmed Qurei, Rawhi Fattuh, and Mohammed Rasheed. He has publicly taken a strong stand against corruption, but so far, not moved to prosecute. There are persistent rumors that PM

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Fayyad will remove to replace him with someone stronger. End Comment.

DUFFY